IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4523 of 2006()

CRA.511/2004 of ADDL.SESSIONS COURT (ADHOC-I), MANJERI
CC.981/2000 of JUDL.MAGISTRATE OF FIRST CLASS COURT, TIRUR

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REVN. PETITIONER: PETITIONER/APPELLANT/ACCUSED

VAIDYNATHAN, NO.9,
MAJESTIC PARK, RAJESH AVENUE,
SALIGRAMAM, CHENNAI-600 093.

BY ADV. SRI.E.R.VENKATESWARAN
SRI.R.SREEHARI

RESPONDENTS: COMPLAINANT AND STATE

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1. SHAMSUDHEEN, S/O.HASSAN,
MANNARATTIL HOUSE, THALAKKAD AMSOM DESOM,
TIRUR.

2. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.UNNI. K.K. (EZHUMATTOOR)
PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 20/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.HEMA, J.

CRL.R.P.NO.4523 of 2006

Dated this the 20th day of December, 2006

O R D E R

Revision petitioner is the accused in C.C.No.981 of 2000 on the file of the Judicial First Class Magistrate's Court, Tirur. First respondent is the complainant therein. Revision petitioner was convicted and sentenced by the Magistrate's Court to undergo simple imprisonment for six months and also directed to pay compensation of Rs.2,00,000/- to the complainant and in default of payment to undergo simple imprisonment for two months under Section 138 of the Negotiable Instruments Act. In appeal filed by him, the conviction and sentence were confirmed but sentence was modified by the Additional Sessions Court (Adhoc-I) Manjeri. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl.M.Appl.No.13145 of 2006 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

3. In the result, revision petitioner is acquitted of offence under Section 138 of the Negotiable Instruments Act as offence is compounded. He is set at liberty forthwith.

Crl.M.Appl.No.13145 of 2006 and revision petition are allowed.

K.HEMA, JUDGE

vgs.